

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

MICHAEL C. KIMBROUGH,

Petitioner,

V.

KIMBERLY CLIPPER, Warden,

Respondent.

CASE NO. 1:13-CV-02299

AMENDED OPINION & ORDER
[Resolving Docs. [1](#), [8](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On July 7, 2014, Magistrate Judge Nancy A. Vecchiarelli recommended that the Court dismiss the petition of Michael C. Kimbrough for a writ a habeas corpus filed pursuant to 28 U.S.C. § 2254.^{1/} Kimbrough has not filed an objection to the Report and Recommendation.

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection.^{2/} Parties must file any objections to a Report and Recommendation within fourteen days of service.^{3/} Failure to object within that time waives a party's right to appeal the Magistrate Judge's recommendation.^{4/} Absent objection, a district court may adopt the Magistrate Judge's report without

^{1/}Doc. 8.

2/28 U.S.C. § 636(b)(1).

3/N.D. Ohio L.R. 72.3(b).

⁴*Id.*; see Thomas v. Arn, 474 U.S. 140, 145 (1985); United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981).

Case No. 1:13-CV-02299
Gwin, J.

review.^{5/} Moreover, having conducted its own review of the petition^{6/} and the record, the Court agrees with the conclusions of the Magistrate Judge.

Accordingly, the Court **ADOPTS** Magistrate Judge Vecchiarelli's findings of fact and conclusions of law and incorporates them fully herein by reference. The Court **DISMISSES** Kimbrough's habeas petition.

Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and no basis exists upon which to issue a certificate of appealability.^{7/}

IT IS SO ORDERED.

Dated: January 15, 2015

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

^{5/} *Thomas*, 474 U.S. at 149.

^{6/} Doc. 1.

^{7/} See 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).